



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: November 7, 2024

Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Members Present: Peter Luckham, Chair
Tobi Elliott, Trustee
Susan Yates, Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Stephen Baugh, Island Planner
Narissa Chadwick, Island Planner (electronic)
Margot Thomaidis, Planner 2 (electronic)
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)
Jason Youmans, Senior Policy Advisor (electronic)
William Shulba, Senior Freshwater Specialist (electronic)
Lisa Millard, Meeting Administrator/Recorder

Others Present: There were approximately 29 members of the public and special guest
Snuneymuxw First Nation Elder C'Tasi:a (Geraldine Manson) in attendance.

1. CALL TO ORDER

Snuneymuxw First Nation Elder C'tasi:a (Geraldine Manson) opened the meeting and welcomed attendees with a traditional prayer and song.

Chair Luckham called the meeting to order at 10:38 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendments to the agenda were presented for consideration:

- Item 9.3 PLRZ20240091 (Mid-Island Co-op) was deferred to a future meeting; and
- Item 5 Public Comments and Item 13.1 Proposed Bylaw Compliance and Enforcement Policy will be discussed first.

By general consent, the agenda was approved as amended.

Items 5 and 13.1 were discussed before Item 3.

3. RISE AND REPORT

Chair Luckham rose and reported that at the September 5, 2024 in-camera meeting the Gabriola Island Local Trust Committee passed a resolution that indicated to the Gabriola Commons that

the Local Trust Committee is not prepared to advance the request by the Gabriola Commons Foundation to be the covenant holder for the Covenant proposed, at this time, for the following reasons:

- Requiring clarity on Section 4 regarding the actions, roles, and responsibilities entailed by the Stewardship Plan, specifically the Local Trust Committee's role in developing and maintaining the Stewardship Plan; and
- Section 5 Baseline Report should be in final form.

4. REPORTS

4.1 Trustee Reports

Trustee Elliott reported the following:

- Attended Union of BC Municipalities conference and had meetings with staff from Ministry of Forests, Ministry of Housing, Ministry of Municipal Affairs, and Building Safety and Standards Branch;
- Attended Trust Council and highlighted debate on request for Provincial review of the *Islands Trust Act* and the endorsement of a focus on tiny homes as part of the strategic plan;
- Attended Committee of the Whole meetings to discuss draft Policy Statement;
- Islands Trust Conservancy Board celebrating work done on a new Natural Area Protection Tax Exemption Program (NAPTEP) covenant on a local property;
- Attended Global Civility Summit, Salish Sea Regional Conservation Forum hosted by the Galiano Conservancy, final call with Culturally Committed group, and Mayne Island Housing Forum and Community Workshop;
- Participated in Snuneymuxw xese cultural event and panel discussion with Snuneymuxw First Nation Elders followed by screening of film *Dust n' Bones*; and
- Will be laying wreath at Gabriola cairn on Remembrance Day.

Trustee Yates reported the following:

- Acknowledged passing of Honourable Justice Murray Sinclair and spoke of his work bringing the history of residential schools to the attention of Canadians;
- Attended council to council meetings with Snuneymuxw First Nation members;
- Noted the Ferry Advisory Committee has requested a meeting with BC Ferries to discuss mitigation plans for the planned berth shutdowns in spring 2026;
- Gabriola Transportation Society is discussing ferry traffic and terminal safety issues;
- Attended Trust Council and highlighted endorsement of advocacy for tiny homes;
- Regional District of Nanaimo Parks and Open Space Advisory Committee is discussing establishing a dedicated soccer field on Gabriola;
- Some Trustees have sent a letter to the Union of BC Municipalities requesting a Provincial Code of Conduct for local government; and
- Interested in Local Trust Committee having an annual meeting with realtors to highlight items of importance for new residents.

4.2 Chair's Report

Chair Luckham reported the following:

- Acknowledged passing of Honourable Justice Murray Sinclair;

- Attended Union of BC Municipalities conference, September Trust Council, Committee of the Whole meetings to discuss draft Policy Statement, and council to council meetings with Snuneymuxw First Nation members;
- Trust Council is preparing for 2025 budget;
- New Chief Administrative Officer, Rueben Bronee, has been hired; and
- Congratulated Penelakut Tribe member Florence James on receiving King Charles medal.

4.3 Electoral Area Director's Report

Director Craig reported the following:

- Thanked Gabriola Land and Trails Trust and landowner who respectively donated funds and land for addition to 707 Community Park;
- Changing Coast project is being undertaken to map sea level rise;
- Larger organics / yard waste carts for private households are now available;
- New waste regulations for multifamily, commercial, and institutional clients require waste be sorted; and
- Contract for new health and wellbeing service on Gabriola was awarded to People for a Healthy Community and Carol Fergusson has been hired as the Coordinator.

4.4 First Nations Reports

Snuneymuxw First Nation Elder Geraldine Manson noted recent participation in a protocol discussion group and she would like to return, with other Elders, for a full day session to provide First Nations history and do more protocol work.

5. PUBLIC COMMENTS

Chair of Mudge Island Community Association made the following comments:

- Supports Bylaw Compliance and Enforcement Policy;
- Thanked Local Trust Committee and Manager Dingman for responsiveness to concerns; and
- Non-enforcement policy on structures built more than twenty-five years ago might cause further divisiveness in the community and suggested the date be effective today.

A member of the public read a letter, written by their Mudge Island neighbour, about the proposed Bylaw Compliance and Enforcement Policy, which spoke to the following:

- Proposal regarding non-conforming structures is not a fair process because a twenty-five year old structure should not be treated differently than one five years old; and
- There is a social understanding that enforcement is not done on Mudge Island; however, it is now occurring and future compliance should consider structures built after January 1, 2025.

A member of the public spoke to the rise and report in which the Local Trust Committee indicated it is not prepared to advance the Gabriola Commons Foundation request to be a covenant holder and noted the following:

- Believes the current draft contains many of the values and principles that are important to the Local Trust Committee and the community;

- The Foundation is prepared to review the Stewardship Plan in order to clarify the actions, roles, and responsibilities of the potential Covenant Holder and consider any modifications that will assist the Local Trust Committee in monitoring said Plan;
- The Covenant team can work on finalizing the draft Baseline Report; and
- They remain optimistic that there will opportunity to advance the request to the Local Trust Committee.

A member of the public noted their concern that Harmac Pacific wishes to rezone ninety-eight hectares of land for industrial use, which will likely result in the removal of large forested areas and cause visual, lighting, noise, and pollution concerns directly affecting Gabriola and Mudge Island residents. They asked that the Local Trust Committee advocate against the rezoning.

6. MINUTES

6.1 Local Trust Committee Minutes dated September 5, 2024 – for adoption

By general consent, the Local Trust Committee meeting minutes of September 5, 2024 were adopted.

6.2 Local Trust Committee Special Meeting Minutes dated September 12, 2024 - for adoption

By general consent, the Local Trust Committee special meeting minutes of September 12, 2024 were adopted.

6.3 Section 26 Resolutions-Without-Meeting Report - none

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated October 31, 2024

Received for information.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 GB-RZ-2022.1 (Moen) - Staff Report

The Planner summarized the staff report and highlighted the following:

- Local Trust Committee previously requested staff work with the applicant to explore housing options for the property and refer the application to the Senior Freshwater Specialist;
- Commercial use of groundwater requires a groundwater license while domestic use does not; and
- The Local Trust Committee can direct staff to change the draft bylaw to restrict the location of the dwelling units to within the envelope of the commercial building so water use is regulated by a groundwater license.

The applicant was in attendance and noted the following:

- Applied for a groundwater license in 2022 and the application remains pending;

- Residential units are not part of their potential development plan, but they are willing to include them in the rezoning application for consideration of any future property owner; and
- Current water use is seasonal and future demand could incorporate rainwater catchment.

The Senior Freshwater Specialist made the following comments:

- Non-domestic water licensing will require an assessment of water availability at time of development;
- Current water use is approximate and makes up about half of the water that is available;
- If a dwelling is located within the commercial unit, the Province would consider the residential use as part of the licensing; and
- Supports staff recommendation that dwelling be permitted within the commercial building envelope.

Discussion ensued and the following comments and clarifications were noted:

- Likelihood that groundwater availability will only support one additional domestic dwelling yet draft bylaw suggests two dwellings; however, this is based on one unit using 2000 litres of water per day;
- The current Official Community Plan only allows for two dwellings; therefore, additional dwelling units cannot be recommended at this time;
- There is no water management plan in place as uses are still unknown; therefore, in future, if the applicant applies to change their water use the Local Trust Committee would receive a referral on the application; however, if development involves a building permit, and there is proof of water for that permit, the Local Trust Committee would not be referred.

GB-2024-076

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to amend draft Bylaw No. 319 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2024" to:

- Restrict the location of dwelling units to within the envelope of a commercial building;
- Reduce the parking requirements for each dwelling unit from 2 parking spaces to 1; and
- Limit the floor area of dwelling units to 90 square metres.

CARRIED

9.2 GB-DVP-2023.3 (Miller) 880 Horseshoe Road - Staff Report

The Planner summarized the staff report and highlighted the following:

- Development Variance Permit to vary a ten metre setback to allow existing woodshed;
- Woodshed was built in 1990's;
- No land or ground disturbance will occur;

- Local Trust Committee previously approved applicant's request to waive survey requirement, and
- Referral to Snuneymuxw First Nation was undertaken.

Discussion ensued and the following comments were noted:

- Local Trust Committee received a letter from the applicant which asked several questions about the length of the development variance permit process;
- Application file was opened during the time period in which Snuneymuxw First Nation identified the types of files they wanted to receive referrals on and sending the referral caused delay in processing the application;
- Today, the Local Trust Committee passed a bylaw not to enforce on structures that are older than sixteen years, the original bylaw complaint was retaliatory in nature, and the woodshed should not have been subject to a development variance permit process; and
- Application was in process and conditional on bylaws in place at the time complaint was made, decision to not enforce on older structures was not made until today.

GB-2024-077

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit application GB-DVP-2023.3.

CARRIED

Discussion ensued about Trustees sending a letter of apology to the applicant.

GB-2024-078

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee draft a written response to the applicant of GB-DVP-2023.3 acknowledging the challenges in the process and lessons learned.

CARRIED

9.3 PLRZ20240091 (Mid-Island Co-op) - Addendum to Follow

This item was deferred to the next regular business meeting.

9.4 PLDP20240 (Paisley Place) - Staff Report

The Planner summarized the staff report and highlighted the following:

- Application is for a development permit for Development Permit Area 8 Multi-dwelling Affordable Housing;
- A development permit area guideline, which requires the exterior surfaces of buildings shall be comprised of wood or stone, is not met by the application, but the application is consistent with the objective of the Development Permit Area;
- Applicant has noted that cement fibre board has been chosen instead as it is more cost effective, provides more durability than wood, and is within the BC Housing Design Guidelines.

It was noted that the applicant was in attendance.

The Local Trust Committee had no comments or questions.

GB-2024-079

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Permit PLDP20240249.

CARRIED

The meeting recessed for a break at 1:09 p.m. and reconvened at 1:30 p.m.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review - Phase 2 Update - Staff Report

The Planner summarized the staff report and highlighted the following:

- Project charter has been reviewed and timelines updated to reflect engagement process;
- Additional budget has been allocated for First Nations engagement;
- Results of community survey show general support for the goals and principles;
- Working on discussion guides for each topic;
- Local Trust Committee special meetings will be scheduled following engagement sessions;
- Updated information being posted on website; and
- By mid December a full community profile with relevant information about Gabriola, including history and environmental synopsis, will be available.

Discussion ensued and the following comments were noted:

- Target date for completion specified in the report should be April, 2025;
- Suggestion to move water as a topic of discussion under the environment section, garbage / recycling to economy or resource conservation, and sewer to housing;
- Opportunity for collaboration on cultural heritage protection with Snuneymuxw First Nation;
- Official Community Plan should have clear connection to the Policy Statement;
- Suitable Land Analysis is being worked on and deliverables will be forwarded to the Local Trust Committee;
- Water budget study is delayed due to staffing shortages and a contractor will be hired to complete the work;
- Planners are looking for policy direction to contain within the Official Community Plan and which specific environments, such as marine and foreshore, could be protected through Development Permit Areas;
- Development Permit Area guidelines will be incorporated into the review;
- Regional District is undertaking flood mapping and this information could be included in the climate change section; and
- Capacity funding for First Nations is not a well understood concept and communication pieces should be provided with discussion points for community conversations.

GB-2024-080

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the revised engagement direction related to topic focused discussions.

CARRIED

GB-2024-081

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee allocate \$10,000 of the OCP/LUB review project budget to engagement with Snuneymuxw First Nation and direct staff to work with the Snuneymuxw First Nation staff on a capacity funding agreement.

CARRIED

GB-2024-082

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the revised project charter.

CARRIED

11. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

11.1 Email dated October 3, 2024 from L. Eagin regarding Mudge Junk Vehicles

Received for information.

11.2 Email dated October 28, 2024 from B. Andrew regarding Rezoning Application between Harmac and Cable Bay Trail

Discussion ensued and the following points were noted:

- There is not a protocol agreement with the City of Nanaimo;
- If a referral is received, staff will share it with the Local Trust Committee;
- Staff can contact the City of Nanaimo to request that the Local Trust Committee be included as a referral agency or the Local Trust Committee could provide a formal letter to the City of Nanaimo.

GB-2024-083

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to contact City of Nanaimo and request that the Gabriola Island Local Trust Committee receive a referral for rezoning application of 950 and 1260 Phoenix Way, Nanaimo, BC.

CARRIED

12. NEW BUSINESS - none

13. STAFF REPORTS**13.1 Proposed Bylaw Compliance and Enforcement Policy - For Adoption**

The Bylaw Compliance and Enforcement Manager summarized the staff report and highlighted the following:

- Webinars done for the Mudge and Gabriola communities;
- Mudge Island residents' concerns and suggestions were taken into consideration;
- Time period of twenty-five years was proposed so Bylaw Enforcement will only be looking at newer structures and not those that have been in place for decades without complaints;
- Concern about not being able to prove lawful non-conformity can be addressed through statements provided by neighbours or other evidence;
- Has attempted to provide definition regarding vexatious complaints;
- Proposed bylaw provides for thirty day notice period of on-site investigation unless issue is of an urgent matter; and
- Document can be changed at anytime if the priorities of the community, or the Local Trust Committee, change.

Discussion ensued and the following comments and clarifications were noted:

- The last Official Community Plan review was completed in 2008 and suggestion that this be the date established for legal non-conformity;
- Local Trust Committee has authority to direct bylaw staff to not enforce;
- Option is available to apply for development variance permit;
- There is a shared responsibility of both property owners and local government to uphold bylaws and property owners also have responsibility to adhere to bylaws regardless of enforcement practice;
- Main concern is setback from foreshore as health and safety issues regarding septic are dealt with by other jurisdictions;
- Revisions indicate bylaw staff will only proceed with enforcement for less serious contraventions if there are two written complaints from immediate neighbours and there should be opportunity for investigation based on one complaint;
- If only one complaint was received, the complainant would be informed that investigation or enforcement cannot proceed unless a second complaint is received;
- If Bylaw Enforcement staff determine an investigation is required based on receipt of one complaint the Local Trust Committee can make a determination to proceed with an investigation or not; and
- Enforcement on environmentally sensitive areas and those related to health and safety issues will proceed if one complaint is received.

GB-2024-074

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee amend Part B, Section 112 limiting enforcement on structures that predate 2008.

CARRIED

GB-2024-075

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee adopt the proposed Bylaw Compliance and Enforcement Policy as amended.

CARRIED

13.2 Phase 4 Community Engagement Options - Policy Statement Amendment Project - Staff Report

The Senior Policy Advisor summarized the staff report, outlined options available to the Local Trust Committee regarding community engagement on the Islands Trust draft Policy Statement, and noted that members of the community will also have opportunity to provide feedback through a survey.

Discussion ensued.

GB-2024-084

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee select Engagement Option No. 2 for Phase 4 Community Engagement about the new draft Islands Trust Policy Statement.

CARRIED

13.3 Trust Conservancy Report - Highlights of Islands Trust Conservancy October 1, 2024 Board Meeting

Received for information.

13.4 Trust Conservancy - The Heron - Fall Edition

Received for information.

13.5 Applications Report dated October 31, 2024

Received for information.

13.6 Trustee and Local Expense Report dated September, 2024

Received for information.

13.7 Adopted Policies and Standing Resolutions

GB-2024-085

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request bylaw enforcement staff to advise on necessity of rescinding standing resolutions regarding bylaw enforcement.

CARRIED

13.8 First Nations Relationship Building Update - none

13.9 Climate Change Action Update - none

13.10 Local Trust Committee Webpage

No changes at this time.

13.11 Draft 2025/26 Gabriola Local Trust Committee Annual Meeting Schedule - Request for Decision

Discussion ensued and all regular meetings to be held in person.

GB-2024-086

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee approve their January, 2025 to March, 2026 Meeting Schedule.

CARRIED

14. WORK PROGRAM

14.1 Active Projects Report dated October 31, 2024

Discussion ensued about the ecological protection zone and the following comments were noted:

- Statement “which includes rezoning of Elder Cedar Nature Reserve” should be deleted;
- Original intent was to create a holding zone; and
- Elder Cedar Nature Reserve is already protected.

The Planner made the following points:

- Project charter would need to be revised if the purpose of rezoning is not to provide protection to Elder Cedar Nature Reserve; and
- Drafting a zone that will not apply anywhere, but would be considered a holding zone, could be done as part of the Official Community Plan and Land Use Bylaw review project.

GB-2024-087

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to remove the Minor Project Ecological Protection Zone from the active projects list and provide options for creating an ecological protection zone through the Official Community Plan and Land Use Bylaw amendment project.

CARRIED

14.2 Future Projects Report dated October 31, 2024

GB-2024-088

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff remove Item No. 2 Advisory Planning Bylaw from the Future Projects Report.

CARRIED

The Local Trust Committee will consider what their next future project will be at a future meeting.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled to be Determined

The next regular meeting will be held Thursday, January 23, 2025 at 10:30 a.m. at the Gabriola Arts and Heritage Centre, Gabriola BC.

16. ADJOURNMENT

By general consent, the meeting was adjourned at 3:28 p.m.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder